

VIA HAND DELIVERY AUGUST 13, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: PZ003P3

Filed: May 11, 2001

Published: June 20, 2002

Art Unit: 1645

FCH CENTER 1600/2300

Application Serial No.: 09/853,161

Publication No.: US 2002/0076756 A1

Examiner: Unassigned

Application of: Ruben et al.

Title: 28 Human Secreted Proteins

REQUEST FOR CORRECTED PUBLICATION UNDER 37 C.F.R. § 1.221(b) DUE TO MATERIAL OFFICE MISTAKE

Box PGPUB

Commissioner for Patents Washington, D.C. 20231

Sir:

Applicants respectfully request a corrected publication of the above-listed application pursuant to 37 C.F.R. § 1.221(b) due to a material mistake made by the Office. In particular, the first page of the published application fails to list 11 applications to which the instant application claims benefit of priority under 35 U.S.C. § 119(e) and § 120. The first page of the published application lists only U.S. Provisional App. No. 60/265,583 (i.e. under "Related U.S. Application Data").

The above mistake is apparent from Office records, as the Official Filing Receipt contains the correct list of 12 priority applications in its entirety. See, Filing Receipt mailed July 26, 2001, Confirmation No. 5950. Moreover, the mistake is material, as the missing priority data affects the use of the published application as prior art under 35 U.S.C. § 102(e). In particular, without inclusion of all priority data together on the first page of the published application, an examiner or member of the public would be likely to mistakenly believe that this is the only application to which the present application claims

priority. In fact, however, the present application claims priority to applications which,

inter alia, were filed almost 4 years prior to the application solely listed as "Related U.S.

Application Data." Hence in order to properly assess priority (e.g. for § 102(e) purposes),

an examiner or member of the public would be required know it was necessary to search

the remainder of the application for additional priority applications not shown in the

"Related U.S. Application Data." section; thus nullifying the usefulness of this section on

patent application publications. Moreover, since the only listed priority application in the

"Related U.S. Application Data" section is not the earliest filed application, its exclusive

presence there gives a false impression that this is application represents the earliest claim

to priority for the present application.

Accordingly, Applicants respectfully request that a corrected publication of the

above-listed application be made pursuant to 37 C.F.R. § 1.221(b).

No fee is believed due for this submission. In the event that a fee is required in

connection with this submission, please charge the required fee to Deposit Account No.

08-3425.

* 3

Respectfully submitted,

Date: AUGIET 15

anet M. Martineau (Reg. No. 46,903)

Attorney for Applicants

Human Genome Sciences, Inc.

9410 Key West Avenue Rockville, MD 20850 (301) 315-2723 (phone)

JMM/DS

Application No.: 09/853,161 Attorney Docket No.: PZ003P3

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		Examiner Name				Not Yet A	ssigned	- 1	
Applicant claims small entity status. See 37 CFR 1.27		Group Art Unit				1645		Щ -	
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FEE CALCULATION		110	215	55		for reply within			
1. BASIC FILING FEE	116	400	216	200			second month		
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2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	142	1,280	242	640	Utility issu	e fee (or reissu	ıe)		
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SUBMITTED BY	Regio	tration N	o I				if applicable)		
Name (Print/Type) Janet M. Martineau		fey/Agent		16,903		Telephone	(301) 315-272	3	
Signature Date August 13, 2002)2				
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Approved for use through 10/31/2002. OMB 0651-0032
Frademark Office: U.S. DEPARTMENT OF COMMISSION

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L'	Name (Print/Type) Janet M. Martineau Hegistration No. (Attorrfey/Agent) 46,903 Telephone (301) 315-2723										
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